

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)	Docket No. 99-AFC-3
)	
Application for Certification for the)	PREHEARING CONFERENCE
the Metcalf Energy Center [Calpine)	STATEMENT
Corporation and Bechtel Enterprises, Inc.])	

J. Edward Tewes, City Manager, City of Morgan Hill, on behalf of the City of Morgan Hill, (hereinafter "City") submits this Pre-hearing Conference Statement.

1. TOPICS READY TO PROCEED TO EVIDENTIARY HEARINGS

The City is ready, based upon available information, to proceed to evidentiary hearing on all topics. The City reserves the right to amend this response should further information become available in the course of the pre-hearing conference proceedings, and/or upon further review of the recently-issued Final Staff Analysis.

2. TOPICS NOT READY TO PROCEED TO EVIDENTIARY HEARINGS

The City is not aware, based upon available information, of topics which are not ready to proceed to evidentiary hearings. The City does, however, believe that the Air Quality issues were not properly assessed as reflected in the Final Staff Analysis. Despite the inadequacies of the FSA in this regard, the City believes such issues should be resolved in the context of evidentiary hearings. The City reserves the right to amend this response should further information become available in the course of the pre-hearing

conference proceedings, and/or upon further review of the recently-issued Final Staff Analysis.

3. DISPUTED TOPIC AREAS

_____The City believes the following are topics of dispute: air quality (including but not limited to meteorological impacts), public health, hazardous materials management, land use, traffic and transportation, visual resources, socioeconomic resources, Biological resources, soil and water resources, local system effects, noise, and facility design.

The City reserves the right to amend this response should further information become available in the course of the pre-hearing conference proceedings, and/or upon further review of the recently-issued Final Staff Analysis._____

4. WITNESSES

The City will be calling three experts in meteorology to testify as to the adverse effects of the facility upon the air quality of the Morgan Hill region.

- a. C. P. Chang, Professor of Meteorology, Naval Postgraduate School, Monterey, California. Fellow of American Meteorological Society, Environmental Sciences Advisor, U.S. Navy.
- b. Dr. Wendell A. Nuss, Associate Professor of Meteorology, Naval Postgraduate School; Co-Principal Investigator, National Weather Service San Francisco, Bay Area Mesoscale Meteorology Network Initiative.
- c. Dr. Qing Wang, Assistant Professor of Meteorology, Naval Postgraduate School, Monterey, California, Principal Investigator, National Science Foundation California Coastal Boundary Layer Project.

The City will also be calling one witness to testify, on behalf of the City of Morgan Hill and its citizens, regarding the location of the Calpine facility and resultant

environmental and other adverse effects upon the residents of Morgan Hill. This witness will be Mayor Pro Tem Steve Tate.

The City reserves the right to amend this response should further information become available in the course of the pre-hearing conference proceedings, and/or upon further review of the recently-issued Final Staff Analysis.

5. TOPICS FOR CROSS-EXAMINATION

The City will cross-examine witnesses as appropriate on air quality (including but not limited to meteorological impacts), public health, hazardous materials management, land use, traffic and transportation, visual impact and/or resources, excess capacity issues, lack of in-depth alternate site evaluation, socioeconomic resources, biological resources, soil and water resources, local system effects, noise, and facility design.

The City reserves the right to amend this response should further information become available in the course of the pre-hearing conference proceedings, and/or upon further review of the recently-issued Final Staff Analysis.

6. EXHIBITS

The City will be presenting exhibits in conjunction with the testimony of the City's experts and in cross-examination of staff and other witnesses, including but not limited to reports, data and charts. These exhibits primarily pertain to the meteorological effects of the facility.

The City reserves the right to introduce exhibits at the hearing in response to testimony and evidence received at the hearing. The City further reserves the right to amend this response should further information become available in the course of the pre-hearing conference proceedings, and/or upon further review of the recently-issued Final Staff Analysis.

7. PROPOSED SCHEDULE

In order to assimilate the information provided by other participants in the pre-hearing statements and at the conference, and to allow adequate time to fully prepare for the hearing, the City respectfully requests that the hearings commence no earlier than February 1, 2001.

Dated: November 21, 2000.

Respectfully submitted,

J. Edward Tewes
City Manager, City of Morgan Hill
on behalf of Intervenor City of Morgan Hill

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